



Teaching Ethical Competence

Activities for training mediators

By Mary Thompson

IN HIS ARTICLE “ENOUGH RULES Already! Making Ethical Dispute Resolution a Reality” (see page 19), Charles Pou challenges the ADR field to be less prescriptive and more reflective in promoting ethical practice. One implication of this shift is taking a more thoughtful approach to how training can impact ethical competence.

As trainers, we must ask the question, “What are the competency areas a mediator must develop in order to make and implement ethical decisions?” This article briefly outlines four competency areas and describes sample training activities for each.

Self-awareness

Ethical behavior involves far more than knowing a code of ethics. It involves understanding the personal factors that play a part in a mediator’s ethical decision making, e.g., morals, biases, religious and cultural values. These factors impact the mediator’s ability to remain impartial and the mediator’s choice when ethical tenets come into conflict.

Training activities: For “Stand by Your Values,” flip charts posted around the room represent choices relating to specific questions (e.g., “In a barking-dog mediation, which of the following solutions would be hardest for you to live with as a mediator?”). Trainees stand by the signs that represent their choices and then talk with each other about what their choices say about their personal values. In a similar exercise, “Personal Bias,” trainees view pictures of individuals, make judgments about them, and then discuss the assump-

tions on which their judgments were based.

Knowledge of standards

Mediation practitioners must understand the laws, organizational policies, certification requirements, and ethical guidelines under which they operate. This knowledge is essential both to avoid ethical problems and to recognize dilemmas when they arise.

Training activities: In “Ethics Jeopardy,” the popular TV game show is adapted to test mediators’ knowledge of codes of ethics. The game can focus on basic, obscure or contradictory standards, depending on the purpose of the exercise. Other activities include identifying and discussing sections of one or more codes relevant to a specific scenario, or working in small groups to compare how different mediation codes address an ethical dilemma.

Analysis and decision-making skills

Armed with knowledge of personal values and professional standards, a mediator must be able to recognize and analyze an ethical dilemma and decide on a course of action, often during the fast pace of the mediation session. Mediators who are competent in analysis and decision making know how to ask the right questions when analyzing a dilemma, to weigh conflicting principles, and to understand when action is warranted.

Training Activities: In “Defend Yourself” three trainees compose a grievance committee and are given a copy of the disputant’s complaint. The fourth plays the mediator, who is given the complaint and a description of what actually happened during mediation. The mediator must justify his actions. Similar activities include “Decision Tree,” where the class works through the stages of a decision-making process to reach an ethically sound solution, and “Where Do You Draw

the Line?” where the trainees arrange mediator responses from the most to the least supportive of an ethical principle (e.g., self-determination) and decide at which point a response crosses the line into unethical behavior.

Performance

Mediators must learn not only how to arrive at an ethical decision, but also how to implement it effectively at the moment a dilemma presents itself. For that reason, participants in ethics training programs should practice what a mediator would actually do or say to handle a dilemma in “real time.”

Training Activities: In “Quick Decisions” two trainees play disputants, and one plays the mediator. The trainee disputants read a brief script in which the disputants’ conversation gives rise to an ethical dilemma. The mediator responds. The entire group then offers feedback on how ethical and effective the response was. Other activities include traditional role plays where the disputants’ instructions raise several ethical dilemmas that the mediator must address. The mediator then receives feedback on how effectively she dealt with them. In “Stop-Action Demonstration” trainees develop a strategy for a mediator facing an ethical issue, observe as the mediator implements their strategy, and then discuss the mediator’s response and its impact.

Training ethical practitioners

Although rules and enforcement have a role in “encouraging” quality ADR practice, the most exciting opportunity lies in developing mediators’ self-awareness, judgment, skills and desire to be thoughtful, ethical practitioners. Well-designed, engaging training activities that speak directly to the key areas of ethical competence are vital to this goal.

Mary Thompson, Corder/Thompson & Associates, is a mediator, facilitator and trainer based in Austin, Texas. Ms. Thompson is currently coordinator for the Association for Conflict Resolution’s Trainers Resource Project, a website which will initially focus on resources for teaching mediation ethics. She can be reached at emmond@aol.com.